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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF

JOSEPH BUCHALSKI, D.M.D.
License No. DI 17890

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a patient complaint alleging that the treatment rendered by Joseph Buchalski, D.M.D. ("respondent") to patient L.C. failed to conform to the standard of care for dental practice in this State. Specifically, the patient alleged that she sought treatment at Eastern Dental, Cinnaminson, New Jersey, because she was experiencing pain in the upper left quadrant of her mouth. Notwithstanding three days of treatment between November 16 and November 19, 1998, which included restorations of teeth 12 and 13, respondent and others at Eastern Dental failed to take x-rays of the patient. On January 19, 2000, respondent appeared with counsel, Mark D. Nachmias, Esq., at an investigative inquiry into the matter held by the Board.

Having reviewed the entire record, including the patient complaint and records, testimony of Rosemarie Fischbach, D.M.D., and testimony of respondent at the investigative inquiry, it appears to the Board that respondent was the director of the Eastern Dental office in Cinnaminson,

New Jersey at the time patient L.C. was treated. His responsibilities included running the office and, as a general rule, examining patients and determining the treatment to be rendered. Respondent sanctioned or otherwise permitted restorations to be completed on teeth 12 and 13 without the benefit of x-rays in contravention of the standard of care within this State.

These facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(c). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 6 DAY OF Sept., 2000,

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby admonished for failing to treat patient L.C. within the standard of care for the practice of dentistry in this State.

2. Respondent shall reimburse the patient identified in this order as "L.C." the amount of \$31.20. A certified check or money order made payable to L.C. shall be sent within twenty-one (21) days of the entry date of this Consent Order to Kevin Earle, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

3. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22 in the amount of \$1500 for conduct with respect to the failure to treat L.C. within the standard of care for the practice of dentistry in this State. Payment for the civil penalties totaling \$1500.00 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin Earle, Executive Director, at the address described in paragraph #2 no later than twenty-one days from the entry of this Consent Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

4. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$135.08. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than

twenty-one days from the entry of this Consent Order. Payment shall be sent to Kevin Earle at the address described in paragraph #2.

5. Failure to remit any payment required by this Order will result in the filing of a certificate of debt.

6. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Barbara Ann Rich, DDS
~~Henry Finger, D.D.S.~~ Barbara Ann Rich, DDS.
Board President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

Joseph Buchalski
Joseph Buchalski, D.M.D.

8/21/00
Date

I consent to the entry of this order as to form.

Mark D. Nachmias
Mark D. Nachmias, Esq.

8/22/00
Date